

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

**UNITED STATES OF AMERICA
f/u/b LACH TILE & MARBLE, INC.,**

Plaintiff

v.

**HARTFORD ACCIDENT
AND INDEMNITY COMPANY,**

Defendant

* * * * *

CIVIL NO. JKB-13-3638

MEMORANDUM AND ORDER

This case was filed on December 3, 2013 (Compl., ECF No. 1), and served on Hartford Accident and Indemnity Company (“Hartford”) on December 20, thereby making its answer due on January 10, 2014 (ECF Nos. 3, 4). On January 23, Hartford filed a motion to dismiss for lack of jurisdiction pending outcome of arbitration. (ECF No. 5.) Plaintiff filed a response in opposition on the merits (ECF No. 8), and the Court addressed the motion’s merits as well (ECF No. 9) despite Hartford’s lateness in filing its motion. Thereafter, Hartford’s answer was due on April 1 according to Federal Rule of Civil Procedure 12.

When nothing had been filed, the Court directed Plaintiff to file and serve by mail on Hartford a motion for entry of default and a motion for default judgment. (ECF No. 10.) Plaintiff did so on April 10 (ECF Nos. 10, 11), and the next day, Hartford filed both its answer and a response in opposition to Plaintiff’s motions (ECF Nos. 13, 14). Hartford’s attorney, who is a member of this Court’s bar, states he was unaware of the Court’s earlier orders. After reviewing the electronic case file (“ECF”), the Court observes that Hartford’s counsel did not

receive any Notices of Electronic Filing (“NEFs”). The Clerk will be directed to determine the cause of this problem and to take corrective action. The lack of notification to counsel of ECF filings will be considered as a justifiable reason for Hartford’s failure to respond to the Court’s orders. Even so, counsel admitted to this Court’s bar have a duty to ensure that the Clerk’s Office has accurate email contact information and to inquire as to the status of cases in which they are appearing as counsel.

Accordingly, it is hereby ORDERED:

1. Plaintiff's motion for default judgment (ECF No. 11) and motion for Clerk's entry of default (ECF No. 12) are DENIED.
2. Defendant's answer is accepted for late filing.
3. The Clerk shall determine the reason Defendant's counsel did not receive NEFs and take appropriate action to correct the problem.

DATED this 15th day of April, 2014.

BY THE COURT:

/s/
James K. Bredar
United States District Judge